

## § 905.15

(e) Maintenance of Small Customer Status.

(1) Every year on the anniversary of submittal of the plan, small customers must submit a letter to Western verifying that their annual energy sales or usage is 25 GWh or less averaged over the previous 5 years, and identifying their achievements against their targeted action plans. The letter will be used for overall program evaluation and comparison with the customer's plan, and for verification of continued small customer status.

(2) A customer ceases to be a small customer if it:

(i) Exceeds total annual energy sales or usage of 25 GWh, as averaged over the previous 5 years,

(ii) Becomes a member of a joint action agency or G&T cooperative with power supply responsibility, or

(iii) No longer has a limited economic, managerial, and resource capability. Western will work with a customer who loses small customer status to develop an appropriate schedule, no longer than 1 year, for submittal of an IRP.

(3) Membership in or contracting with an MBA that does not have power supply responsibility shall not affect a customer's status as a small customer. A small customer plan or annual letter may be submitted by or through an MBA that does not have power supply responsibility.

## § 905.15 Processing of IRPs and small customer plans.

Western shall review all IRP and small customer plan submittals and notify the submitting entity of the plan's acceptability within 120 days after receipt.

## § 905.16 Annual IRP progress reports.

IRP progress reports must be submitted each year within 30 days of the anniversary date of the approval of the currently applicable IRP in such form and containing such information as to describe the customer's accomplishments achieved pursuant to the action plan, including projected goals, implementation schedules, and resource expenditures, and energy and capacity benefits and renewable energy developments achieved as compared to those

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anticipated. Measured values are preferred, but reasonable estimates are acceptable if measurement is infeasible or not cost-effective. In lieu of a separate progress report, all information from the progress report may be combined with any other report that the customer submits to Western, at the customer's discretion, if that report is submitted within 30 days of the approval anniversary date of the currently applicable IRP.

## § 905.17 Noncompliance.

(a) The penalty set forth in this section shall be imposed for failure to submit or resubmit an IRP or small customer plan in accordance with these regulations. The penalty also will be imposed when Western finds that the customer's activities are not consistent with the applicable IRP or small customer plan unless Western finds that a good faith effort has been made to comply with the approved IRP or small customer plan.

(b) If it appears that a customer's activities may be inconsistent with the applicable IRP or small customer plan, Western will so notify the customer and offer the customer 30 days in which to provide evidence of its good faith effort to comply. If the customer does not correct the specified deficiency or submit such evidence, or if Western finds, after receipt of information from the customer, that a good faith effort has not been made, a penalty shall be imposed.

(c) Western shall provide written notice of the imposition of a penalty to the customer, and to the MBA or IRP cooperative where applicable. The notice must specify the reasons for imposition of the penalty.

(d) Imposition of Penalty.

(1) Beginning with the first full billing period following the notice specified in paragraph (c) of this section a surcharge of 10 percent of the monthly power charges will be imposed until the deficiency specified in the notice is cured, or until 12 months pass, provided that no such penalty shall be immediately imposed if the customer or its MBA or IRP cooperative has requested reconsideration by filing a written appeal with the appropriate Area Manager, pursuant to 905.18.